

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Kevin Louis Grad,

Plaintiff,

-vs-

Wayne Stenehjem, Attorney General, in his individual capacity, and Jonathan Byers, Assistant Attorney General, in his individual capacity,

Defendants.

Case No. 3:16-cv-81

ORDER ADOPTING REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636, the court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge.¹ The Report and Recommendation recommends that Plaintiff Kevin Louis Grad's complaint against Defendants Wayne Stenehjem and Jonathan Byers be dismissed with prejudice because he has failed to state a claim that would entitle him to relief. Grad objects to the Report and Recommendation, asserting that if Stenehjem and Byers had complied with their duty to fully investigate the police reports, court records, and criminal files in his case, it would have been discovered that he did not have to register as a sexual offender.²

The undisputed record establishes that the state court did not exempt Grad from registering as a sexual offender at the time of his indecent exposure conviction. Without an exemption, he was required to register under N.D. Cent. Code § 12.1-32-15. Following charges for failure to register, the Morton County Assistant State's Attorney and Grad's counsel stipulated that Grad should not be required to register. Subsequently, the state

¹ Doc. #9.

² Doc. #10.

court adopted the stipulation and an amended judgment was filed which exempted Grad from registering as a sexual offender. Grad has failed to state any claim against Stenehjem or Byers that would entitle him to relief under these circumstances.

After reviewing the record, Grad's objections, and the magistrate judge's Report and Recommendation, the court finds the magistrate judge's recommendation for disposition is appropriate. Accordingly, the court hereby adopts the Report and Recommendation in its entirety. Grad's complaint is hereby dismissed with prejudice.

The court hereby certifies that any appeal would be frivolous, could not be taken in good faith, and may not be taken *in forma pauperis*.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 25th day of August, 2016.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court